Nanette S. Edwards, Executive Director



2021-71-T

Office of Regulatory Staff 1401 Main Street Suite 900 Columbia, SC 29201 (803) 737-0800 ORS.SC.GOV

C. LESSIE HAMMONDS **Counsel for ORS**

March 2, 2021

VIA ELECTRONIC FILING

Jocelyn G. Boyd, Esquire Chief Clerk & Administrator Public Service Commission of South Carolina 101 Executive Center Drive, Suite 100 Columbia, South Carolina 29210

RE:

Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience

and Necessity of Certain Motor Carriers

Docket No: 2021- -T

Dear Ms. Boyd:

Please find enclosed for filing in your office, the Office of Regulatory Staff's Petition to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers that are out of compliance for failure to maintain and provide evidence of insurance.

Please do not hesitate to contact me should you have any questions.

Sincerely,

s/C. Lessie Hammonds

C. Lessie Hammonds

All Parties of Record (via e-mail) cc:

David Butler, Esquire (via e-mail)

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

DOCKET NO. 2021- -T

IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers For Failure to Maintain and File Evidence of Insurance

PETITION FOR REVOCATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CERTAIN MOTOR CARRIERS

The South Carolina Office of Regulatory Staff ("ORS"), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina ("Commission"):

- 1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 et seq. (2015 and Supp. 2015); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10 et seq. (2015 and Supp. 2015).
- 2. That the companies listed in Exhibit A have been approved by the Commission and certified by ORS to operate as "motor vehicle carriers" as defined in S.C. Code Ann. § 58-23-10(4) (2015) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.
- 3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity ("PC&N") to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (2015), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N, and are therefore subject to the jurisdiction of this

Commission pursuant to S.C. Code Ann. § 58-23-1010 et seq. (2015 and Supp. 2015). See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance.

- 4. That the companies listed in Exhibit A, prior to receiving their Certificate PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; from our understanding that in obtaining such authority the companies certified they are "familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations." 10 S.C. Code Ann. Regs. 103-133(4)(a) (2012); further, the companies certified they are "aware of the commission's insurance requirements and the costs associated therewith." 10 S.C. Code Ann. Regs. 103-133(4)(b) (2012).
- 5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance "must be kept in full force and effect and failure to do so is cause for the revocation of the certificate." S.C. Code Ann. § 58-23-910 (2015).
- 6. That the companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. § 58-23-910 (2015) and 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.
- 7. That ORS notified the companies listed in Exhibit A of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.
- 8. That "[a] failure to file evidence of insurance, self-insurance or surety bond shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier. A failure to keep all insurance, self-insurance, or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission's order granting authority, the certificate, and any license issued to the motor carrier..." 10 S.C. Code Ann. Regs. 103-175 (2012); further, that "the [insurance] policy, [surety] bond or certificate of self-insurance...must be kept in full force

and effect and failure to do so is cause for the revocation of the certificate." S.C. Code Ann. § 58-23-910 (2015).

- 9. That "[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria...." 10 S.C. Code Ann. Regs. 103-240 (2012).
- 10. That "[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal." S.C. Code Ann. § 58-23-320 (2015).
- 11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance. See Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide for the opportunity by the carrier to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition.

- 2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
- 3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
- 4. For other appropriate action which the Commission may deem necessary.

s/C. Lessie Hammonds

C. Lessie Hammonds, Esquire
South Carolina Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, South Carolina 29201

Phone: (803)737-0800 Fax: (803)737-0895

Email: <u>lhammonds@ors.sc.gov</u>

March 2, 2021 Columbia, South Carolina

Exhibit A - Carriers Out of Compliance for Fallure to Maintain and File Evidence of Insurance Date: March 2, 2021 Docket No. _____

EXHIBIT A Page 1 of 3

No. Docket No	Cert Type	NAME	DBA	ADDRESS	CITY	State	ZipCode
	Class C Charter	1st Class Limousine NJ LLC		1507 Westchase Dr	Charleston	SC	29407
2 2018-190-T	Class C Charter	AA Coastal Transportation of SC, LLC		3887 Stillwood Dr	Myrtle Beach	SC	29588
3 2018-351-T	Class C Charter Bus	AA Coastal Transportation of SC, LLC		3887 Stillwood Dr	Myrtle Beach	SC	29588
4 1998-574-T	Class C Taxi	AAA A-1 Airport Limo Shuttle, LLC		PO Box 60489	N Charleston	SC	29419
5 2006-361-T	Class C Charter Bus	AAA A-1 Airport Limo Shuttle, LLC		PO Box 60489	N Charleston	SC	29419
6 2018-377-T	Class C Charter	Affordable Transportation Service of SC LLC		527 Tea Rose Dr	Bolling Springs	SC	29316
7 2015-319-T	Class C Non-Emer	AMS of West Columbia, Inc.	AMS	210 N 9th St	W Columbia	SC	29169
8 2012-349-T	Class C Taxi	Apple Express Transportation, LLC		PO Box 1600	Mt. Pleasant	sc	29464
9 1997-261-T	Class E HHG	Atlantic Transfer & Storage Co., Inc.		7370-B East Spartan Blvd	N Charleston	SC	29418
10 2014-123-T	Class C Non-Emer	Belmont Luxury Home Care LLC		1706 Camden Rd	Holly Hill	SC	29059
11 2008-351-T	Class C Charter	Big A Auto Sales Lot 2, LLC	Gold Star Limousine Service	1216 N Cashua Dr	Florence	SC	29501
12 2017-46-T	Class C Taxl	Blue Bird Transportation, LLC		1800 William Kennerty Dr Apt 11-D	Charleston	SC	29407
13 2018-298-T	Class C Taxl	Brenda Pendergrass	BP Taxl	2453 Gallowaytown Rd	Hartsville	SC	29550
14 1998-523-T	Class C Charter Bus	Brooks Transit Charter Service, Inc.		2629 Flamingo Drive	Columbia	sc	29209
		BTL Unlimited LLC		235 Manatee Rd	Holly Hill	sc	29059
16 2004-171-T	Class C Charter Bus	C & F Charter Service, LLC		PO Box 42	Tillman	sc	29943
	Class C Charter	Carolina Chauffeured Service, LLC		2903 Glenarden Dr	Charleston	sc	29414
18 2014-373-T		Carolina Express I LLC	-	1601 Longcreek Dr #172	Columbia	sc	29210
19 2007-81-T	Class C Charter Bus	Carolyn Lee	Leeway Travel	PO Box 73	Estill	SC	29918
20 2018-250-T	Class C Charter	Casper Rides LLC		111 Brockman Dr	Mauldin	sc	29662
21 2013-369-T		Charleston City Transportation L.L.C.		2459 Lantern St	Charleston	sc	29414
22 2007-434-T		City Taxi, LLC	-	219 Longmont Dr	Lexington	SC	29072
23 2018-273-T		Classic Choice Limo LLC		587 Yellow Leaf Ln	Summerville	SC	29486
		Coffield's Charter and Tour, LLC		7419 Powell Rd	Georgetown	sc	29440
		Columbia Brew Bus LLC			W Columbia		29169
26 2018-391-T		Crowned One Limo & Transportation LLC		138 Adthan Circle	Goose Creek	sc	29445
	Class C Non-Emer	Darrick Campbell	Demions Transportation	237 Laurel Ln Lot 2	Florence		29506
28 2003-173-T		David Lee Lesesne		1121 Hurley Dr	Sumter		29150
29 2007-84-T		DJ's Transportation, LLC		116 Fairhaven Dr	Goose Creek		29445
30 2017-377-T		East Coast Electronics LLC	ECE		Mauldin		29662
31 2011-290-T	Class C Non-Emer	Eddie's Take You There Service, LLC		2112 Ozelma Dr	Dillon		29536
32 2016-229-T		El Shaddai Medical Transportation Services, LLC			Florence		29506
		Emerald Tours inc. LLC			Columbia		29240
34 2018-282-T		Encore 2K, LLC	Tiger Tall Tuktuk		Clemson		29633
35 2015-315-T		Ervin Parker			Florence		29505
		Ethel P. Isaac	Unistyle PCL Tours		Lynchburg		29080
		Express Transportation, Inc.			Orlando		32824
38 2017-329-T		Exquisite Ground Transportation, SE			irmo		29063
		F & S Transportation, LLC					29203
40 2010-152-T		First Class Limo Service, LLC	-		Lexington		29073
41 2017-111-T		Fox Coach Transportation Services LLC			Dalzeli		29040
42 2019-172-T			Frogtown Taxi		Meggett		29449
43 2015-206-T		Gary Mixson	Steadfast Taxl				29812
		Getaway Travels & Tours, LLC					29116
45 2004-295-T		Gilbert O. Kalu	Budget Cab Company		Greenville		29602
		Grateful med transportation lic			St. Helena Island		29920
			G & G Transportation	PO Box 187	Scranton	SC	29591
		Holman Tri-County Transportation LLC			Hampton		29924
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EXHIBIT A Page 2 of 3

No. Docket No	Cert Type	NAME	DBA	ADDRESS	CITY	State	ZipCode
49 2019-87-T	Class C Charter	J & L Enterprise Limo LLC		142 Farm Chase Dr	Lexington	sc	29073
	Class C Charter	J. E. Place	1	PO Box 583	Sullivan's Island	sc	29482
51 2019-36-T	Class C Taxi	Jafar Parker		624 Middleberg Way		SC	29505
	Class C Charter	James Jones	Jones & Son Limo Transportation	1374 Rifle Range Rd		sc	29464
	Class C Charter	James Kostarelos	19th Hole Shuttle and Limo Service	400 Ladykirk Ln	Myrtle Beach	SC	29579
	Class C Charter	Jerome Singleton	Executives Transportation Services	1014 W Shady Grove Rd	Irmo	SC	29063
55 2000-141-T		Jimmy Coats	Greenwood Moving & Storage	PO Box 1261		SC	29648
56 2009-397-T		JMS Worldwide, LLC		4257 Domino Ave	N Charleston	SC	29405
57 2002-399-T		John F. Wilder		638 W Oakland Ave		sc	29150
		Jordan Tours LLC		151 Kasper Ln	Alken	SC	29803
59 2013-439-T		Jus In Time Taxi & Limo LLC		2698 Cainhoy Rd	Huger	SC	29450
60 2015-121-T		Kenneth Lee Johnson		736 Meetinghouse Rd	Hopkins	SC	29061
61 2011-500-T	Class C Taxi	KP of Camden, LLC	SC Palmetto Taxi	70 Edinburgh Castle Ln	Camden	SC	29020
		Leon Robinson	Robbie's Charter	141 Meadowlake Dr	Columbia	SC	29203
		LIL Services LLC		209 Northcliff Way	Greenville	SC	29617
		Marrakesch, Inc.		406 Barnwell NW Ave Ste B	Alken	sc	29801
		MedEXpress, LLC		597 Old Mount Holly Rd Ste 203-C	Goose Creek	SC	29445
		Michael Boatwright		2065 Coreys Ct	Dillon	sc	29536
		MSK Transportation LLC		889 N Matthews Rd Bldg 881 Apt C2	Lake City	SC	29560
		On Time Transit LLC II		1161 Red Hill Rd	Camden	SC	29020
		On Time Transit LLC II		1161 Red Hill Rd	Camden	SC	29020
		Out & About LLC	_	405 Mockingbird Ln	Spartanburg	SC	29307
		Paulette On Board Transportation Services, LLC		2870 Dock Rd	Sumter	SC	29153
	Class C Charter Bus	Pee Dee Community Fellowship Church		PO Box 12256	Florence	SC	29504
73 2014-381-T		Peter J. Gueldner	Executive Limousine of SC	8805 Whippoorwill Ln	Indian Land	SC	29707
74 2001-274-T		Peter Singleton		113 Tuscany Ct	Ladson	SC	29456
75 2013-128-T		Prestige Limousine Service, LLC		2740 Jamestown Road	Camden	SC	29020
		Renew Transportation LP		109 Midwood Rd	Travelers Rest	SC	29690
		Ritz Limousine and Entertainment Club, Inc.		9553 Edgerton Dr D-11			29572
		Rivers Charter & Tours LLC					29171
79 2014-448-T		Rowland Senior Services, LLC		25 Maplewood Dr			29150
80 2011-292-T		Royal Cabs, LLC		4685 Fish Hatchery Rd			29053
		Royalty on Board Transportation LLC		367 Langfordville Rd			29936
82 1994-503-T		Rudolph A. Bradley		PO Box 2139			29442
		Saleeby Enterprises LLC		105 Paula Court			29526
84 2000-374-T		Sandra Collins	King and Queens Choice Limousine Service				29407
85 2014-444-T		SBL Investments, LLC		6570 St Peters Church Rd			29588
86 2004-313-T		Starlean Green	Green Transportation Service	218 Byrd Lane			29506
	Class C Stretcher Van		Coomes Non Emergency Medical Transport	2833 Vineyards Creek Church Rd	Comer		30629
		Stephen Coomes	Coomes Non Emergency Medical Transport		Comer		30629
89 2019-245-T		Style MB LLC		129 Coachman Ln			29575
		TDK Transporting LLC		23 Benjamin Smalls Rd			29940
		The Charleston Bus, LLC		1308 E Montague Ave			29405
		The Star Ship, Inc.		203 Flamingo Dr			27520
		Time To Move LLC		PO Box 3552			29802
	Class C Stretcher Van			PO Box 3552			29802
		Trav-atl Transit LLC					29420
96 2011-25-T	Class C Taxi	V.I.P. Transportation, LLC		1643-B Savannah Hwy Ste 375	Charleston	SC	29407

Exhibit A - Carriers Out of Compliance for Fallure to Maintain and File Evidence of Insurance	
Date: March 2, 2021	
Docket No.	

EXHIBIT A Page 3 of 3

No. Docket No Cert Type	NAME	DBA	ADDRESS	CITY	State	ZlpCode
97 2015-168-T Class C Non-E	mer Valerie Wallace	Total Care Transportation	13401 Old McColl Rd	Gibson	NC	28343
98 2019-237-T Class C Chart	er Bus Williamsburg Tours LLC		462 Camelia Ln	Lake City	SC	29560
99 2014-48-T Class C Tax	Yellow Top Taxi LLC		867 Colony Dr #115	Charleston	SC	29407

EXHIBIT B

BEFORE

THE PUBLIC SERVICE COMMISSION

OF SOUTH CAROLINA

D	OCKET	NO.	

March 2, 2021

IN RE: Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers for Failure to Maintain and File Evidence of Insurance

AFFIDAVIT OF CAROLE CHAUVIN

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On March 2, 2021, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012) has not been filed with ORS by the following carriers as of 11:59 pm on March 1, 2021: (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Program Specialist, Transportation Department Office of Regulatory Staff 1401 Main Street, Suite 900 Columbia, S.C. 29201

Carole Chaum

Sworn and subscribed before me this 2 Mach

,20 21

Notary Public for South Carolina

My Commission Expires: 10/16/23